

**Notice of Allowability**

Application No.

09/689,757

Examiner

Michael P. Stafira

Applicant(s)

LEE ET AL.

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the RCE filed 5/3/2004.
2. ☒ The allowed claim(s) is/are 1-40.
3. ☒ The drawings filed on 10/13/04 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☒ Certified copies of the priority documents have been received in Application No. 08/640,474.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the top margin (not the back) of each sheet. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |                                                                                                           |                                                                                     |
|-----------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892)                                           | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)          |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____             |
| 5 <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. <u>5/04</u> | 6 <input checked="" type="checkbox"/> Examiner's Amendment/Comment                  |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material    | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
|                                                                                                           | 9 <input type="checkbox"/> Other                                                    |

## DETAILED ACTION

### *Priority*

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 08/640,474, filed on 05/01/1996.

### *Allowable Subject Matter*

1. Claims 1-40 are allowed over the prior art of record.
2. The following is an examiner's statement of reasons for allowance:

In applicants after final remarks dated October 10, 2003 it would appear that applicant's independent claims are separate independent inventions. Examiner wishes to make the record more clearly by indicating that applicant's independent claims are a different variation of the same invention and therefore allowable.

Regarding claim 1, the prior art fails to disclose or make obvious a lens device having the light controlling means permitting light in the near and far regions of the light path to reach the focal zone without imposing a relative phase change between light in the near and far regions, and in combination with the other recited limitations of claim 1. Claims 2-26 are allowed by the virtue of dependency on the allowed claim 1.

Regarding claim 27, the prior art fails to disclose or make obvious a lens for use with optical memory disks of two types having the near region focuses light in the light path on the information bearing level regardless of which of the two types of optical memory disks, and in

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combination with the other recited limitations of claim 27. Claims 28,29 are allowed by the virtue of dependency on the allowed claim 27.

Regarding claim 30, the prior art fails to disclose or make obvious an optical pick-up device for use with optical memory disks of two types having the near region focuses light in the light path on the information bearing level regardless of which of the two types of optical memory disks, and in combination with the other recited limitations of claim 30. Claim 31 is allowed by the virtue of dependency on the allowed claim 30.

Regarding claim 32, the prior art fails to disclose or make obvious a lens device for use with optical memory disks of two types having the light controller permitting light in the near region of the light path to focus on the information bearing level regardless of which of the two types of optical memory disks, and in combination with the other recited limitations of claim 32. Claims 33-36 are allowed by the virtue of dependency on the allowed claim 32.

Regarding claim 37, the prior art fails to disclose or make obvious an optical pick-up device for use with optical memory disks of two types having the light controller permitting light in the near region of the light path to focus on the information bearing level regardless of which of the two types of optical memory disks such that light in the near axial region reaches the photodetector, and in combination with the other recited limitations of claim 37. Claims 38-40 are allowed by the virtue of dependency on the allowed claim 37.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Stafira whose telephone number is 571-272-2430. The examiner can normally be reached on 4/10 Schedule Mon.-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Toatley can be reached on 571-272-2800 ext. 77. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Michael P. Stafira  
Primary Examiner  
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August 10, 2004